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Attorneys for Defendants
CITY OF SAN RAFAEL and
TWIN CITIES POLICE AUTHORITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE HERNANDEZ, ALMA HERNANDEZ,
JOSH HERNANDEZ, individually and as
guardian ad litem for TAMMY HERNANDEZ,
a minor,

Plaintiffs,

v.

COUNTY OF MARIN, CITY OF SAN
RAFAEL, TOWN OF CORTE MADERA,
CITY OF LARKSPUR, TWIN CITIES
POLICE DEPARTMENT and DOES 1-100,
inclusive,

Defendants.

Case No. CV 11-03085 JSW

**STIPULATION TO SUBMIT MATTER TO
PRIVATE MEDIATION IN LIEU OF EARLY
NEUTRAL EVALUATION AND TO COMPLETE
MEDIATION AFTER THE PRESENTLY-
SCHEDULED ENE DEADLINE
AND ORDER THEREON**

The parties, by and through their respective counsel, hereby stipulate and request that they be permitted to submit this matter to private mediation instead of the presently-ordered Early Neutral Evaluation and request that they be permitted to complete the private mediation after the presently-scheduled ENE deadline of December 17, 2012 based on the following:

1. The ENE deadline in this case initially was scheduled for February 25, 2012 and then was extended due to the filing of multiple rounds of motions to dismiss and the need to complete multiple

party depositions.

2. The present deadline to complete ENE is December 17, 2012.

3. On October 10, 2012, the court appointed Todd Boley as the ENE panelist in this matter.

4. Mr. Boley conducted a pre-ENE telephone conference and all parties agreed to conduct the ENE on December 17, 2012, provided all clients confirmed their availability. This was the only date on which Mr. Boley and all counsel were available prior to the ENE deadline.

5. Counsel for Defendants City of San Rafael and Wanda Spaletta have been informed that the City's outside risk manager, Diane Caravello, is not available on December 17, 2012 to attend the ENE.

6. Counsel for all parties met and conferred between November 30, 2012 and December 5, 2012 and agree that private mediation is a better ADR process for this matter and is more likely to lead to the eventual resolution of this case.

7. Counsel have contacted Mr. Boley and explained their desire to submit the matter to private mediation and that the present stipulation will be filed, requesting private mediation.

8. The parties have agreed to use the service of mediator, Stuart Diamond in San Rafael, California and to conduct the mediation on January 4, 2012, provided the court permits the parties to conduct the private mediation after the currently scheduled ENE deadline of December 17, 2012.

Dated: December 10, 2012

Respectfully submitted,

/s/ Richard W. Osman

RICHARD OSMAN

Attorney for Defendants

City of San Rafael, Twin Cities

Police Authority, Wanda Spaletta and

Anthony Shaw

/s/ Owen Mayer

OWEN MAYER

Attorney for Plaintiffs

/s/ Renee Giacomini-Brewer

RENEE GIACOMINI-BREWER

Attorney for Defendant County of Marin and

Keith Boyd

ORDER

Good cause appearing, the parties are hereby referred to private mediation to be completed on January 4, 2012.

Dated: December 11, 2012


HONORABLE JEFFREY S. WHITE